App. F. IX-4

1929-30 ( C. 2 )

File No. 142-29

Serial Nos. 1-2

*Previous References*
Rely. 80-87 (1-4)

*Later References*
LR 139-30 (21, 22, 42, 27)

p. 10 (E)

# General and Revenue Secretariat.

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*Serial Nos.* 1 to 20

**Part B for** July 30

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SUBJECT

Resolution passed at the 16th Mysore Provincial Cooperative Conference held in Mysore during Feb 29 re attachment of properties in execution.

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D. 853 of 14.4.30

To — Rely. C. 2

Note that the proposal does not commend itself to Govt.

by

1) 3[32] R 4756

App. F. III—2]

General and Revenue Secretariat. | G File No. 143 of 192 5 | 22/4/30

| Serial No. | |
|---|---|
| 1 | No 56555 G. dt 11.4.30 from the Rly Cs. Forward Copy of the Resolution of the Prov: Co-operative Conference explaining why it is necessary to authorise the Rev: authorities to attach properties of defaulting debtors in cases where immovable properties are proposed to be proceeded against in execution of Co-operative decrees. — Subd If approved the Legal Remembrances may be Consulted Rev 12/4 VS |
| 2 | The Rev. Comnr may be first consulted Ch. Secy Cal 15/4/30 |
| 3 | This may be transferred to Mr. Rev Branch, as a similar question has been dealt with in connection with Regn XVII of 1928. MM 17/4 |
| 4 | Rev Br (with Compltg) VS 17.4.30 MM SN |
| 5 | "A" is seen from the file placed at * that the subject in question has been dealt with in the Protection Br to which this may be transferred for taking further action. MS 23/4 |

Legis 50-27 (1-4)
vide pages 34, 42 & 44
Flags A, B & Y

NOTE—Contn. sheet.

Removed for ... — the Records may be obtained

CHIEF SECRETARY. 15 APR. 1930

WD 066—GPB—30,000—26-7-29

5366/29

8732

App. F. III—2]

General and Revenue Secretariat. | File No. 143 of 1929

| Serial No. | |
|---|---|
| | 6 Answers |
| | Rev Sec'y 30/4/30. |
| 30/4 | 7 Telegram sent to Mr Pro. Rr. (Intercommunicated). 1/5-30 |
| 1 5/V | 8 Regis file 50-24 Sess 1-4 is herewith submitted. Beyond what is stated in the note of the Law Secy at pages 44 & 46 no definite action appears to have been taken and all the Rev Dpt files connected with the Amending Regn XVII of 1928 have been referred to the Rev Dpt vide note at (Flag P.) Sandra. 9 There is no question re amendment of R-R-Code in the Branch. Secy Dpt 9/5/30. |
| | 10 This question was discussed in connection with Regn. XVII of 1928 but was not pursued, apparently for the reasons stated in the Law Secy's note of 12-11-27 (pages 85 & 86) |

NOTE—Contn. sheet.

WD 066—GPB—30,000—26-7-29

Secy

Dept Secy)

App. F. III—2]

General and Revenue Secretariat. | File No. 42 of 1929

Serial No. 11

Cairo 169

Submitted for orders as to whether in view of the opinion expressed by the Law Secretary in paragraph 4 of the Notes to Reg. No. 5 of 1929 (N.I.-4) power to attach property of judgment debtors may be conferred on Rev. authorities

Secretary 5/6

The proposal involves the amendment of the L.R. Code. The Regn. may be informed that this is not possible.

C. Lee 14.6.

CHIEF SECRETARY 16 JUNE 1930

This question was considered in connection with Regulation XVII of 1924. It was thought unnecessary to provide in the Land Revenue Code for attachment of land in such cases. A partial remedy was provided by the enactment of the new section 187A of the L.R.C. This may be explained to Mr. Registrar

Hon. Secretary 8/7

NW 8/7

I am not clear how Sec. 187A L.R.C. helps in this connection. I agree that the proper way the Regr. need not be sent — when

2/9 8/7 D/S Preliminary

Subject to [illegible] 29/6

NOTE—Contn. sheet.

8/82

App. F. III—2]

General and Revenue Secretariat. C.S. File No. 142 of 1929.

Serial No.

Execution is sought thro' Rev. authorities in the property of a debtor subject to the limitation that there is a sanction of the property being transferred before such cases ought to be rare in respect of Cooperative decrees—

Sec
9.7.30

Draft
Sec
9/7
Ca
9/7

Sent with draft
Loans
Ca
15/7/30
1447

2

D. 853/ dated 17/7/30
To The Registrar C.S.

States that the proposal re: attachment of properties in execution of Cooperative decrees by Rev. authorities does not commend itself to Govt.

B.
Ca
29/7

NOTE—Contn. sheet.

## Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Ref. marginal note on file No. C.S. 142-29 Board's Letter.

The powers exercisable by the Civil Court when an application is made to it under S. 187A of the C.P.C. are detailed in Rules 97 & 103 of O. 21 of the C.P.C. (vide flag B). They provide for investigation by the Court of the cause of resistance or obstruction to the auction purchaser getting possession of the property & putting him in such possession if the resistance or obstruction was unlawful.

The question now under consideration is however, to provide against an unlawful obstruction

I think Rule 102 provides for such cases as are contemplated by the Regn. of C.S. i.e. that no relief is afforded to a person when claim to the property arose only after the institution of the suit.

A-Sec.

CA
2/7/30

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

C.S. 142-29-1

No. 5655-C.S
Ex 1

Telegraphic Address:
"CO-OPERT"
BANGALORE

DEPARTMENT OF CO-OPERATION
GOVERNMENT OF MYSORE.

OFFICE OF THE REGISTRAR OF CO-OPERATIVE SOCIETIES
IN MYSORE.

*Dated, Bangalore,* 11.4. *1930*

FROM

K. H. RAMAYYA, ESQ., B.A., BAR-AT-LAW,
REGISTRAR OF CO-OPERATIVE SOCIETIES IN MYSORE,
BANGALORE.

To

N. MADHAVA RAO, ESQ., B.A., B.L.,
CHIEF SECRETARY TO GOVERNMENT OF MYSORE,
B A N G A L O R E .

S i r ,

I have the honour to forward herewith, a copy of Resolution on the marginally noted subject passed at the 16th Mysore Provincial Co-operative Conference held at Mysore during October 1929 and to state as follows:-

Attachment of properties in execution.

In the course of the execution of the money decrees (not mortgage decrees) of Co-operative Societies, it is sometimes necessary to proceed against the properties owned by the judgment debtors and after demand notices are issued by the Revenue Authorities and before the sales are actually held, the properties are alienated by the parties and thus satisfaction of the decrees cannot be obtained. To obviate such losses, it seems to be necessary and desirable that the properties against which execution proceedings are proposed to be taken should be attached at the time of the issue of demand notices by the Revenue Authorities so as to prevent fraudulent sales thereafter before the sale is conducted. I therefore request that Government may be pleased to authorise the Revenue Authorities to attach the properties of the judgment debtors in cases in which immovable --

P. T. O.

property is proposed to be proceeded against in execution of Co-operative Societies decrees.

I have the honour to be,

S i r ,

Your most obedient servant,

K H Ramayya

R e g i s t r a r .

G.R.S. III—3]

## Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

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ATTACHMENT OF PROPERTIES IN EXECUTION.

--:o:--

Resolved:- that Government be moved to provide that in all cases in which immovable property is sought to be proceeded against in execution of a co-operative decree, the property shall invariably be attached before further proceedings are taken.

---

M H Ramaya
Registrar, Co-operative Societies
in Mysore.
7.4.39

*N B.*—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

Appendix F G—1

SUBJECT.....

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Section C

File No. ~~H.L.—28~~ 1113-29

Serial No. 2

No. 10853

*Diary No. of letter replied to* 8732

General and Revenue Secretariat
( )
*the* *193*

To Non Rep^v Cs

Date of issue 17/7/30

Signed by W C E Newnham

Sir,

With reference to your letter No 56555 & 11-4-30 Recommending that the Rev: Officers may be authorised to attach the properties of judgment debtors in Cases in which immovable property has to be proceeded against in the execution of C.S. decrees, I am directed to state that the proposal does not command itself to ~~it is not possible to sanction your Recommendation~~

List of enclosures.....

Copied by.....

Examined by.....

[over

I am to add that

When execution is sought
thro' Rev. Officers on the property
of a debtor it is subject to the
limitation that there is a
possibility of the property being
transferred before it can be
sold - Such cases however ought
to be rare in respect of Conservatrix
decrees

I have &c

ca
15/1/30

Forch Leal